

THE ISSUE: CONSECUTIVE OFF DAYS

THE DEFINITION

Employees are entitled to work schedules with consecutive work days (and consecutive off days). Split duty assignments with split off days must be minimized.

THE ARGUMENT

Article 8.2.C requires that "[a]s far as practicable the five days [of a full-time regular employee's work week] shall be consecutive days..." What this means is that the Employer must make every effort to avoid split off days and where it must post a position without consecutive off days, the burden shifts to the employer to show why doing so was not "practicable." Employees have a considerable interest in working a consecutive day work week and the Employer must shoulder an equally considerable burden in demonstrating why this is not "practicable" or "doable." Simply avoiding overtime or convenience of scheduling excuses will usually not be enough. The Employer must show that some significant service consideration required the change.

THE INTERVIEW

- Didn't this duty assignment previously have consecutive off days?
 - Who made the decision to change it to split off-days?
 - Why was this duty assignment changed to split off-days?
- What consideration, if any, was given to retaining some form of consecutive off days?
- Was your sole reason for making this change an attempt to reduce overtime on Mondays?
 - Has your overtime decreased on Mondays?
 - What change has occurred in your overtime on the other days of the week?
- How many other split off day duty assignment do you have posted in this section?

THE DOCUMENTATION

- Previous job posting
- New job posting or notice to employee/union of intent to abolish and repost
 - Clock rings / time cards
 - Witness statements or interviews
 - Supervisor interviews or statements
 - Overtime records (by day of week)
- Mail volume reports or other documentation of workload by day of week
 - Delayed mail reports

THE AGREEMENT

- National Agreement, Article 8.2.C
 - LMOU